

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

JOHN NOAKES,)	
Plaintiff,)	
v.)	
)	Case No. 1:21-cv-1776-PAB
CASE WESTERN RESERVE)	
UNIVERSITY,)	The Hon. Pamela Barker
Defendant.)	

**NON-PARTY WITNESS JANE ROE'S AGREED MOTION FOR EXTENSION OF
TIME TO RESPOND TO PLAINTIFF'S MOTION FOR RULE TO SHOW CAUSE**

Non-party Jane Roe, by and through her counsel, respectfully moves for a three-week extension of time to respond to Plaintiff's Motion for Rule to Show Cause and to Order Forensic Examination of Devices. Plaintiff's counsel has agreed to a three-week extension. The grounds supporting this Motion are set forth below.

1. Counsel for non-party Jane Roe has obtained all of Ms. Roe's potentially responsive documents, including emails and texts and social media posts and needs additional time to review for privilege, responsiveness, and confidentiality.

2. Ms. Roe's counsel was retained on November 21, 2022, has served written objections pursuant to Federal Rule of Civil Procedure 45, and has begun the meet and confer process with Plaintiffs' counsel. Ms. Roe's counsel has informed Plaintiff's counsel that Ms. Roe received notice of the subpoena on November 10, 2022, and has not deleted any documents since receipt of the subpoena, and mistakenly thought documents were not available from dates prior to the receipt of

the subpoena. Ms. Roe's counsel has obtained Ms. Roe's potentially responsive documents, including emails, texts and social media posts, and intends to produce them soon.

3. A three-week extension of time to respond is needed to address the outstanding discovery issues that might moot the Motion. The parties are working on a draft agreed confidentiality order to govern the production of documents in this case. In addition, on November 22, 2022, Case Western filed a Motion for a Protective Order with respect to the subpoenas issued to Jane Roe and Students 1, 2 and 3. (*See* Dkt. No. 46.) A three-week extension will assist the parties and non-parties in finalizing the production and determining whether the Motion is moot.

CONCLUSION

For the foregoing reasons, non-party Jane Roe respectfully requests that the Court grant non-party Jane Roe's motion for a three-week extension of time to respond to Plaintiff's Motion for Rule to Show Cause and for Forensic Examination.

November 29, 2022

Respectfully submitted,

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/s/ Nancy A. Temple
Nancy A. Temple, Attorney for Non-party
Jane Roe

CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that on November 29, 2022, I electronically filed the foregoing **NON-PARTY WITNESS JANE ROE'S AGREED MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S MOTION FOR RULE TO SHOW CAUSE** with the Clerk of the Court using the CM/ECF system which sent notification of filing to all counsel of record.

/s/ Nancy A. Temple
Attorney for Non-Party Jane Roe

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